

# CRAFTING A HISTORIC PRESERVATION PROGRAM: A Checklist for Success



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*Preservation Matters!*  
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# Is this Happening in Your Community?

Inappropriate alterations to buildings?



# Is this Happening in Your Community?



Clutter in the  
streetscapes?

# Is this Happening in Your Community?



Have you ever had the experience of driving down a road and realizing that what once was a farm. . .

had turned into a strip mall?



# Is this Happening in your Community?

Construction of out-of-character houses and businesses?



# Values of Historic Preservation

- Economic
- Aesthetic
- Social - Quality of Life
- Value We Embrace  
Personally or as a  
Community





# Economic Values



- Heritage Tourism
- Rehabilitation & Adaptive Reuse
- Resource conservation
- Property Values
- Revitalized downtowns
- Incubate locally-owned small businesses

# Aesthetic Values



vs



- Community character vs. Generic
- Promotes sense of time and place
- Connects the Past with the Present
- Connects people of today with those who have come before



# Quality of Life

## Preservation Promotes

- Mixed use neighborhoods
- Pedestrian orientation
- Sense of community
- Decreased crime rates in historic districts
- Preserve open space
- Save agricultural lands



Los Angeles, Broadway

# Early Preservation Efforts



Sutter's Fort

# Changing Approaches to Preservation

- City of Charleston, "Old and Historic District," 1931
  - No changes could be made to exterior architectural features that were subject to view from a public street or way.



# Recent Preservation Direction



Residential Neighborhoods

# Recent Preservation Direction



Commercial Districts  
and Main Streets  
(Grass Valley)



# More Changes in Preservation Direction

- Tied to land use planning
- Integration of historic preservation into city and county planning departments



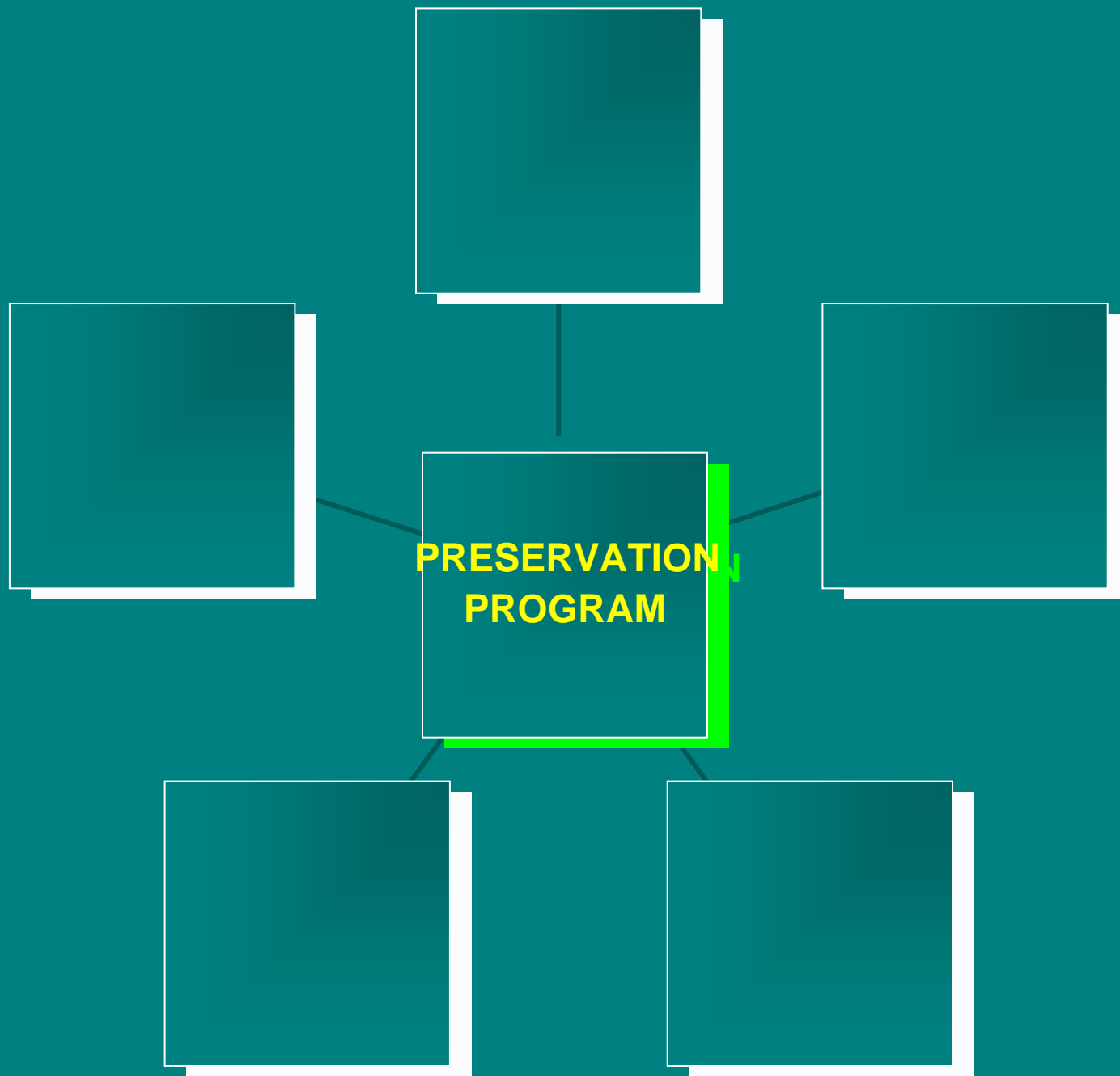


# More Changes in Preservation Direction



San Francisco City Hall

- Shift of program responsibility from historical societies and museums to local government
- Historical societies & other organizations remain strong & important advocates



# Building a Comprehensive Preservation Program



- Historic Preservation Element
- Ordinance/Regulations Guidelines
- Surveys and Contexts
- Economic Benefits & Incentives
- Education, Technical Assistance & Outreach Programs

**Preservation  
Element**

**PRESERVATION  
PROGRAM**



# ✓ Historic Preservation Element of the General Plan

- General Plans represent the only formal, unified overview of the quality of life in a community
- General Plans are the place to link historic preservation into land use planning



# Historic Preservation Element

## Elk Grove

### Policy/Goal/Objective Approach

- **Historic Resource Policies**
  - Encourage the preservation and enhancement of existing historical and archaeological resources in the City
    - Adopt a Historic Preservation Ordinance
    - Establish a Historic Preservation Committee
    - Develop and update a comprehensive historic resource inventory



# Historic Preservation Element

## Grass Valley Geographical Approach

- Historical Goal and Objectives
  - Preservation of buildings of historic and/or architectural merit
  - Delineate and describe Grass Valley's neighborhoods
- Historical Implementation Actions and Strategies
  - Expand the "historical district" to include both sides of West main Street

# Historic Preservation Element

Link historic preservation to other goals  
and policies

- Redlands [affordable housing]
  - Coordinate preservation of historical resources with policies designed to preserve affordable housing
- Santa Monica [cultural diversity]
  - Ensure that historic preservation planning is culturally inclusive and reflective of the unique background and diversity of neighborhoods in the City

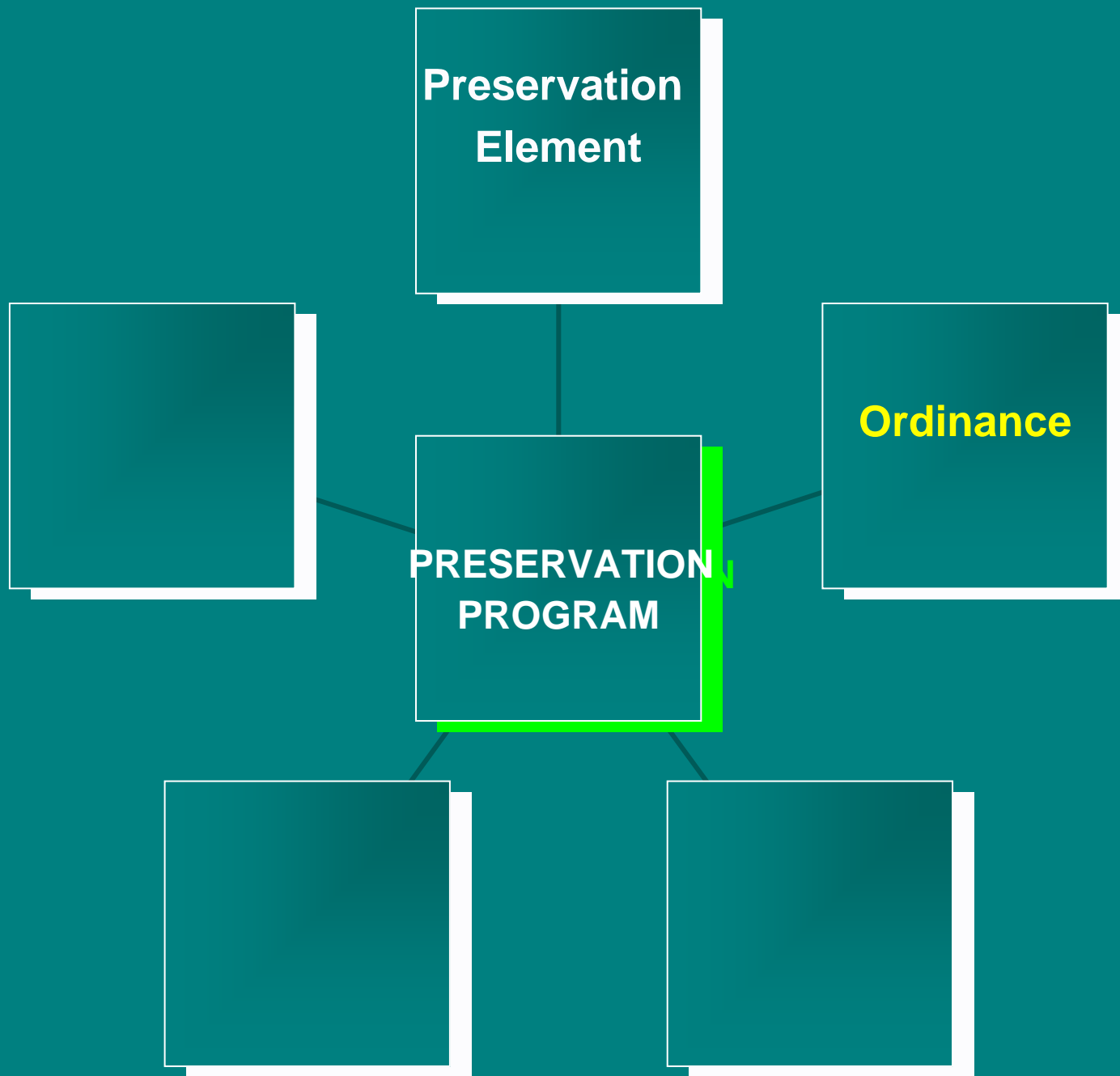
# Historic Preservation Element

Link historic preservation to other goals and policies

- Napa [transportation]
  - When planning transportation route, the city shall seek routes and improvements that recognize and protect historic neighborhoods
- Claremont [integration into all actions]
  - The City shall incorporate the protection of architectural, historical and archaeological resources in the immediate and long range plan process of both public and private actions throughout the city.

# For more information about General Plans and Historic Preservation Elements:

- State of California, Governor's Office of Planning & Research, *General Plan Guidelines*, Chapter 6: Optional Elements (2003),  
[http://www.opr.ca.gov/planning/publications/General\\_Plan\\_Guidelines\\_2003.pdf](http://www.opr.ca.gov/planning/publications/General_Plan_Guidelines_2003.pdf)
- State of California, Governor's Office of Planning & Research, *General Plan Guidelines Update*,  
<http://www.opr.ca.gov/index.php?a=planning/gpg.html>





# Adopting a Preservation Ordinance

“The preservation ordinance is nothing more than local legislation enacted to protect buildings and neighborhoods from destruction or insensitive rehabilitation...”

Pratt Cassity, *Maintaining Community Character: How to Establish a Local Historic District*, NTHP, 2002





# Things to Think About!

The ordinance should fit your community

- What is the purpose of the ordinance?
- What resources should be protected?
- How best to protect them?
- How will ordinance be administered and enforced?



# A Preservation Ordinance Does

- Provide a municipal policy for protection of historic properties
- Establish an objective and democratic process for designating-due process
- Protect the integrity of designated historic properties within a design review requirement
- Authorize design guidelines for new development within historic districts
- Stabilize declining neighborhoods and protect and enhance property values

# Preservation Ordinance

## Does Not

- Require that historic properties be open for tours
- Restrict the sale of the property
- Require restoration of the property
- Require approval of interior changes or alterations
- Prevent new construction within historic areas
- Require approval for ordinary repair or maintenance

# Enabling Authority



- **California Constitution:** "Police power" of local governments to protect the health, safety and welfare of citizens
- **California Statutes:** California Government Code Sections 25373(b) for counties and 37361(b) for cities
- **Courts:** U.S. Supreme Court - Penn Central Transportation v. New York City

# KEY ELEMENTS

- Purpose
- Enabling Authority
- Preservation Commission
- Designation Procedures & Criteria
- Actions subject to Review
- Economic Effects
- Incentives



- Enforcement
- Appeals
- Definitions
- Severability



# Establishment of the Preservation Commission



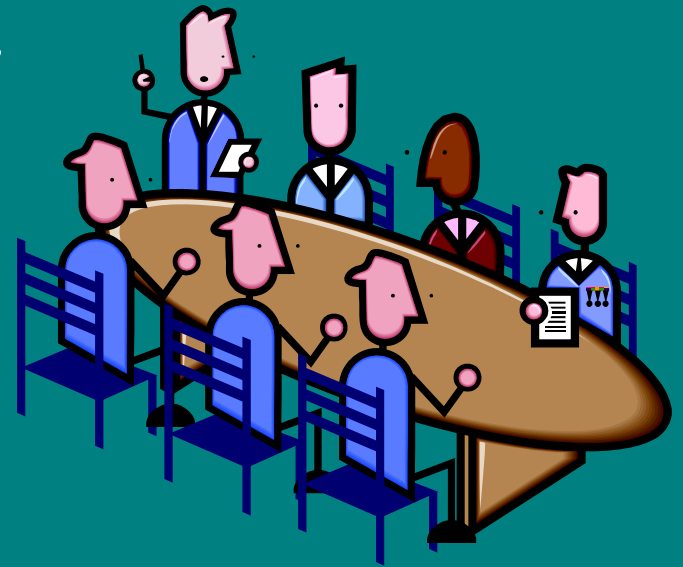
- Who administers and enforces preservation ordinance?
- Composition of Commission
  - Who appoints?
  - Term?
  - Professional qualifications?



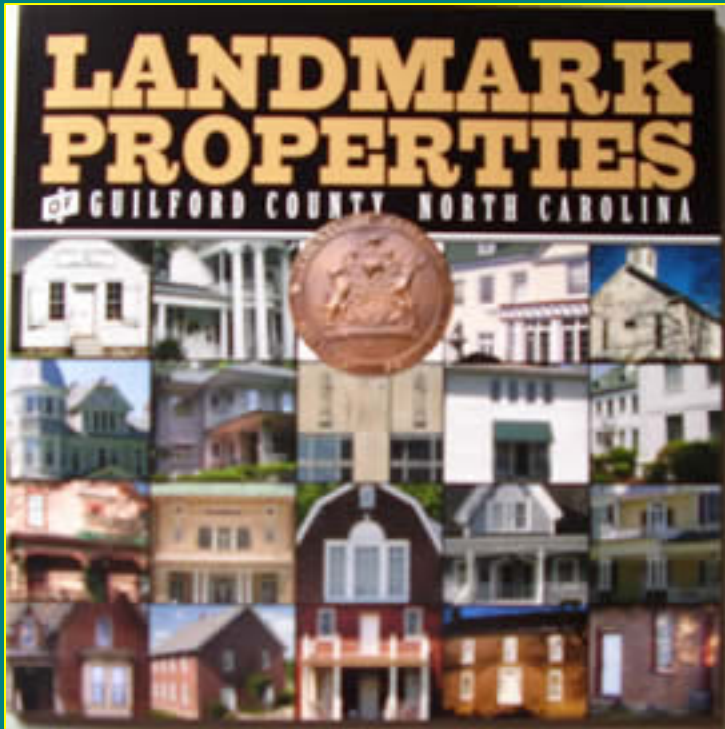
# Establishment of the Preservation Commission

## Scope of Powers

- Maintain local inventory
- Designation
- Review and Comment
- Make recommendations
- Incentives
- Public education
- Relationship with Planning Commission, City Council, and other agencies



# Designating Historical Resources Criteria



- Provide clear criteria standards
- Define key terms
- Use local criteria that match National Register and California Register to facilitate CEQA/Section 106 reviews
- Think in terms of historic zoning

# Designating Historical Resources

## Procedures - Notice & Hearings

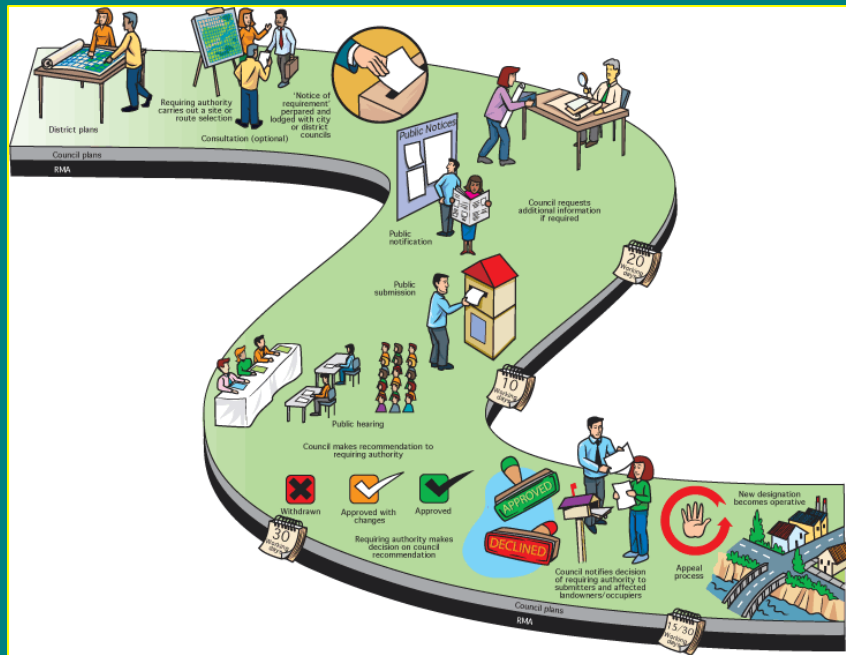
- Notice to owner and interested parties
- Public hearing
- Written findings
- Owner consent/objection may unlawfully delegate local government authority



# Actions Subject to Review Procedures & Criteria

## Appropriate Level & Amount of Review

- Demolitions
  - Deny ?
  - Delay ?
- Alterations
  - Deny ?
  - Delay ?
- New construction in historic areas
  - Deny ?
  - Delay ?



# Actions Subject to Review

## Adopt Appropriate Review Standards

- Standards need to be
  - Defined
  - Reflect local preservation goals
  - Provide for due process
  - Efficient
  - Fair
  - Limit administrative discretion
  - Result in predictable decisions



# Enforcement

## Primary Goal: Compliance

- Penalties for non-compliance need to outweigh the “benefits”
- Remedies for non-compliance
  - Fines
  - Injunctive relief to stop illegal demolition and enforce ordinance
  - Receiverships & entry onto land to correct
  - Forcing reconstruction
  - Loss of further entitlement





# Incentives



- Mills Act
- Encourage federal tax credits
- Apply State Historic Building Code
- Waiver permit fees
- Exceptions to underlying zoning standards
- Preservation easements
- Official recognition/Awards

# For More Information about Incentives

- A directory of local, state, and federal incentives,  
[http://www.parks.ca.gov/?page\\_id=24626](http://www.parks.ca.gov/?page_id=24626)



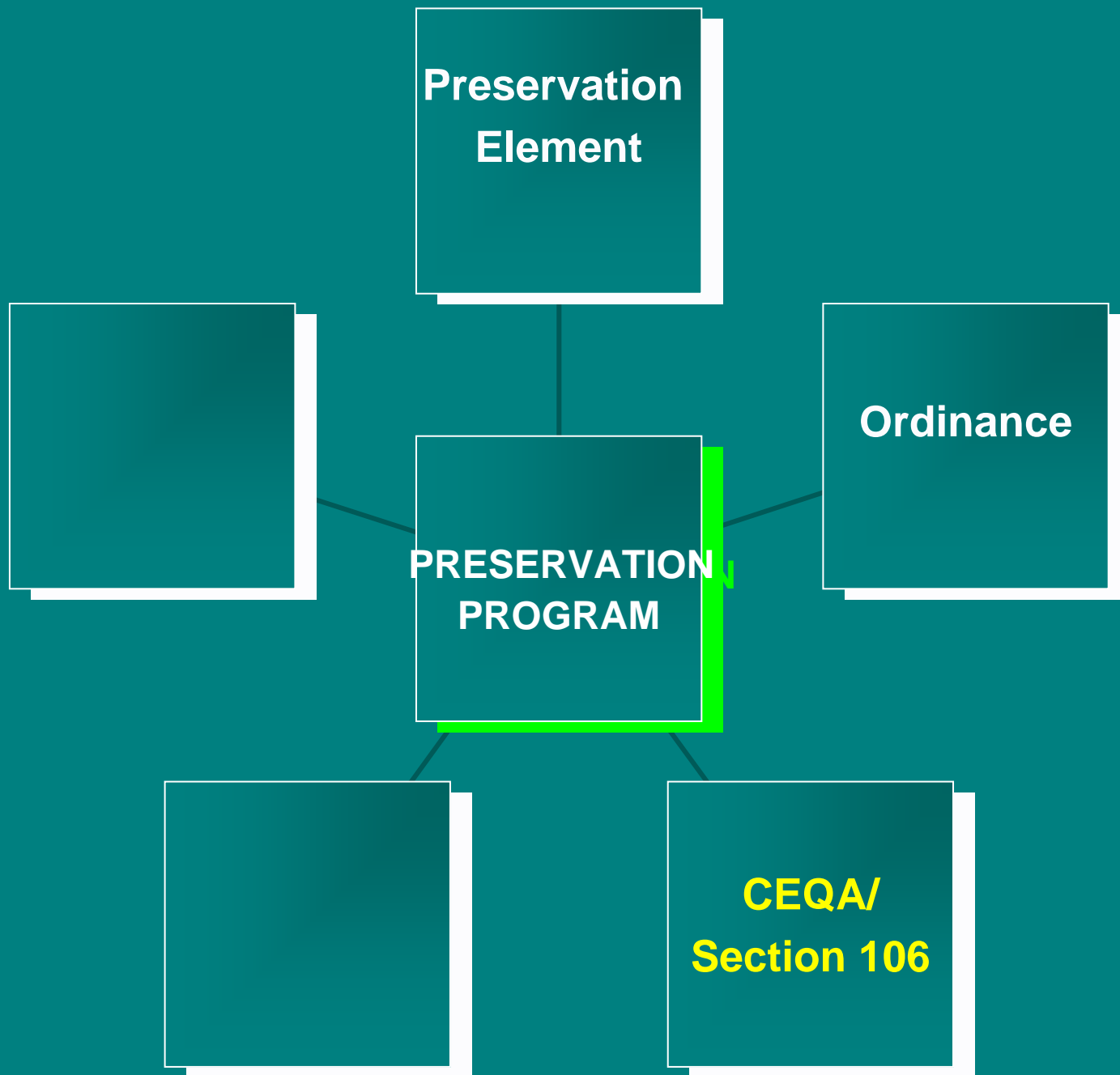
# Definitions

- Use terms and definitions shared by National Register, California Register, and CEQA to promote better understanding
- Thorough and complete definitions are needed to sustain judicial challenge
  - Difference between alterations and demolitions
  - Types of buildings, structures, signs, or other features



# For More Information about Historic Preservation Ordinances

- California Office of Historic Preservation, Technical Assistance Series 14, *Drafting Effective Historic Preservation Ordinances*, revised June 2005, [http://www.parks.ca.gov/pages/1069/files/14\\_hp\\_or\\_dinances.pdf](http://www.parks.ca.gov/pages/1069/files/14_hp_or_dinances.pdf)
- Samples of local historic preservation ordinances, [http://www.parks.ca.gov/?page\\_id=1243](http://www.parks.ca.gov/?page_id=1243)





# Regulatory Coordination

- Adopt a historic preservation ordinance and local CEQA procedures/processes that are coordinated.
- Use common definitions.
- Develop local designation criteria that are modeled on the Cal Register/National Register approach.
- Use the Secretary of the Interior's Standards for Rehabilitation.
- Promotes streamlining.

# California Environmental Quality Act

- Inform governmental decision makers and the public about the potential significant environmental impacts of proposed activities
- Identify ways environmental damage can be avoided or reduced
- Prevent significant, unavoidable damage to the environment by changing projects
- Disclose to the public why a governmental agency approved the project if significant environmental effects are involved

# California Environmental Quality Act

- Every public agency, including local governments and districts, are responsible for complying with CEQA.
- Historical resources are part of the environment
- Effects to historical resources must be determined

# For More Information About CEQA

- CEQA Guidelines

<http://ceres.ca.gov/ceqa/guidelines>

- General information on OHP website,  
[http://www.parks.ca.gov/?page\\_id=21721](http://www.parks.ca.gov/?page_id=21721)

- CEQA database

[www.ceqanet.ca.gov](http://www.ceqanet.ca.gov)



# Section 106 of the National Historic Preservation Act

- Consultation process
- Requires federal agencies to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize or mitigate adverse effects.

# Section 106 of the National Historic Preservation Act

A representative of a local government that has jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party.



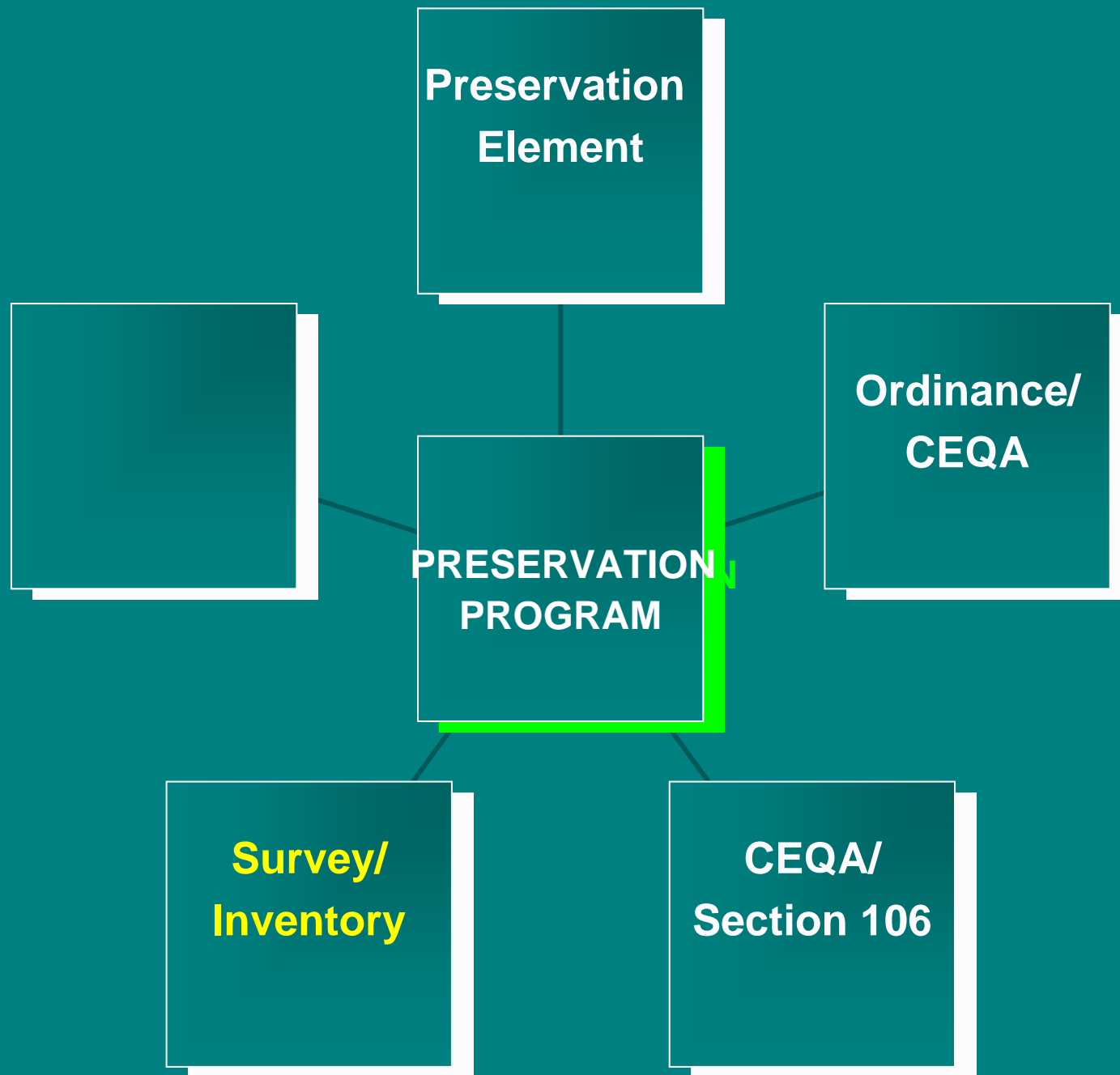
# Section 106 of the National Historic Preservation Act



In many cases where projects are funded by HUD (often housing or community development projects), the local government takes over the role of the lead federal agency.

# For More Information About Section 106

- Section 106 regulations and guidance,  
<http://www.achp.gov/regs-rev04.pdf>





Survey is the **Foundation** upon which preservation planning is built.



# Survey/Inventory: A Multi-Purpose Tool

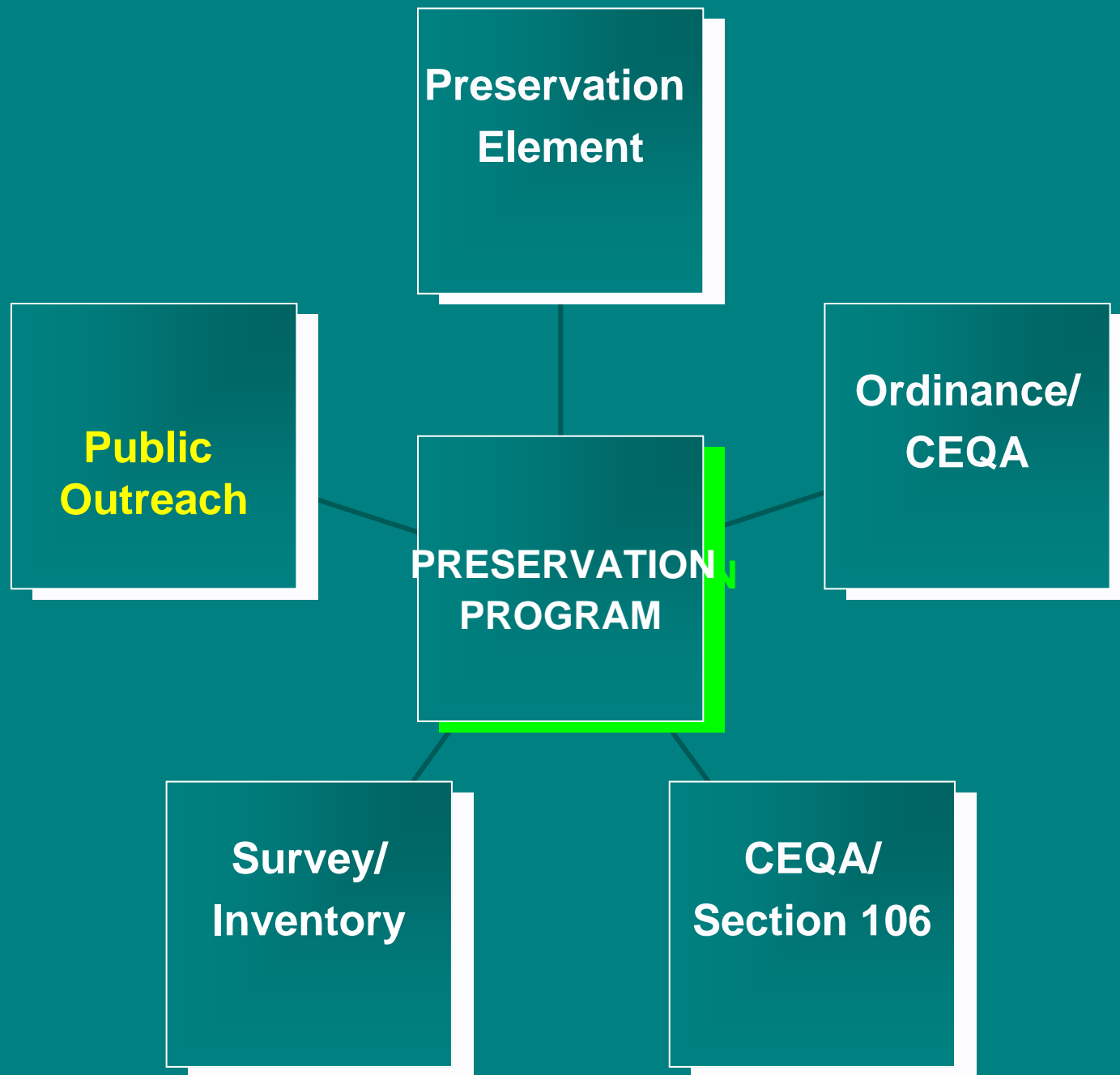


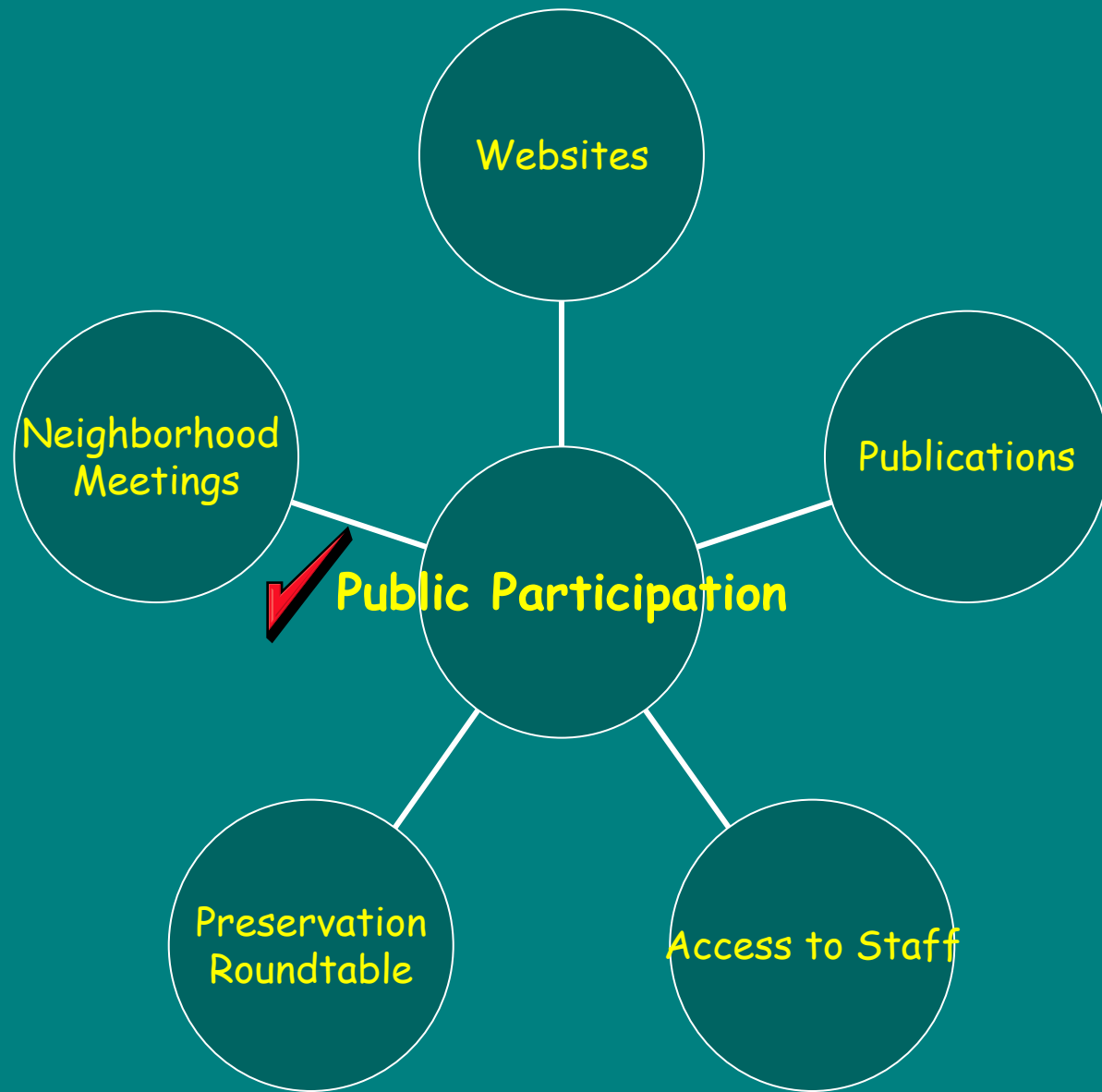
- Data collection
- Provides the information to identify and prioritize preservation goals
- Tells us **where** properties are, **what** they are, and **whether** they are historic properties
- Assists in identification of resources worthy of further recognition or designation
- Offers predictability by alerting ahead of time how properties will be treated in regulatory procedures and code enforcement



# For Additional Information about Surveys

- National Register Bulletin, *Guidelines for Local Surveys: A Basis for Preservation Planning*,  
<http://www.nps.gov/history/nr/publications/bulletins/nrb24>
- Archeology & Historic Preservation: Secretary of the Interior's Standards & Guidelines for Preservation Planning, Identification, Evaluation, Registration, & Preservation Terminology,  
[http://www.nps.gov/history/local-law/arch\\_stnds\\_0.htm](http://www.nps.gov/history/local-law/arch_stnds_0.htm)





# The Checklist

- ✓ Preservation Element
- ✓ Preservation Ordinance
- ✓ Commission
- ✓ CEQA Procedures/Section 106
- ✓ Survey/Inventory
- ✓ Incentives
- ✓ Public Participation



# [www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

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## TRAINING and WORKSHOPS

### PRESENTATIONS FROM PAST WORKSHOPS

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**Historic Preservation Workshop - City of Ventura**  
**PRESERVATION MATTERS!**  
*An Update From The State Office Of Historic Preservation*

**WHEN:** 23 October 9-4  
**WHERE:** Ventura City Hall

Done Local intranet



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